

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 99-371)

PATENT

In re Application of: Thomason et al. )  
Serial No.: 09/391,861 ) Before the Examiner: F. G. Sajjadi  
Filed: September 7, 1999 ) Group Art Unit: 1633  
For: Fibroblast Growth Factor-Like ) Confirmation No.: 9209  
Polypeptides )

Mail Stop Amendment  
Commissioner for Patents  
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**DECLARATION OF DR. MURIELLE VENIANT-ELLISON UNDER 37 C.F.R. § 1.132**

I, Murielle Veniant-Ellison, hereby declare:

1. I hold a D.E.A (U.S. equivalent to Master's degree) in pharmacology from the University of Dijon, France, which I received in 1989, and a Ph.D. in pharmacology from the University of Dijon, which I received in 1992. I have been engaged in research since 1988 and in drug development research for more than ten years. For the last seven years I have worked to develop therapeutics for treating metabolic disorders such as diabetes and obesity. My *curriculum vitae* is attached hereto as Appendix A.

2. I have been employed at Amgen Inc. for seven years, where I am currently a Scientific Director in therapeutic area of metabolic disorders. During this time I have been responsible for preclinical pharmacology for Amgen's diabetes drug development programs, including FGF-21. Some results of Amgen's analysis performed with human and murine FGF-21 are shown in Appendix B.

3. Using RT-PCR experiments, human FGF-21 mRNA was shown to be highly expressed in liver (*see* Appendix B, page 1). Using *in situ* hybridization experiments, mouse FGF-21 was shown to be mainly expressed in liver and pancreas (*see* Appendix B, page 1).

4. As shown in U.S. Patent Application Serial No. 09/391,861 ("the Application"), transgenic mice overexpressing FGF-21 had reduced body and liver weights as compared to wild-

type mice (*see* Appendix B, page 2; *see, e.g.*, page 4, lines 22-28 of Application). These mice are resistant to aging-related obesity and type 2 diabetes.

5. When *ob/ob* mice (a well-characterized mouse model of diabetes and obesity broadly used in the therapeutic area of metabolic disorders) are injected with native recombinant FGF-21 (the mature form of the human and murine FGF-21 disclosed in the Application), the mice showed a statistically significant reduction in blood glucose levels and in body weight as compared with *ob/ob* mice injected with phosphate buffered saline (PBS) (*see* Appendix B, page 3).

6. The effect of murine FGF-21 on diabetes and obesity was studied in Diet Induced Obesity (DIO) mice, a well-characterized mouse model of obesity in which mice are fed a high fat diet for twelve weeks prior to starting the treatment and then are kept on the high fat diet during treatment. In these experiments, DIO mice were injected with murine FGF-21 for six weeks (at low medium and high doses). Treated mice were found to have statistically significantly decreased body weight in a dose response manner. Also, the histology of the livers of the mice treated with FGF-21 looked similar to the livers of the mice fed a normal chow diet. In contrast, the liver appearance (where white color is indicative of fat accumulation) and the amount of body fat in DIO mice injected with PBS was greater than in FGF-21 treated mice (*see* Appendix B, page 4).

7. DIO mice injected with high and medium doses of murine FGF-21 for three weeks showed statistically significant reductions in fasting glucose, insulin, free fatty acid, cholesterol and triglyceride levels, all of which are physiological parameters associated with diabetes and obesity (*see* Appendix B, page 5).

8. DIO mice injected with murine FGF-21 for six weeks showed a striking reduction in liver neutral lipid levels as compared with DIO mice injected with PBS (*see* Appendix B, page 6), which suggests to me that FGF-21 can be used to treat conditions such as diabetes and obesity where fat accumulation is of concern.

9. DIO, *ob/ob*, and lean mice injected with murine FGF-21 showed an improvement in glucose tolerance (*see* Appendix B, page 7), which suggests to me that FGF-21 can be used to treat diabetes.

10. Administration of human FGF-21 to mice decreased blood glucose levels and improved glucose tolerance for at least 24 hours after administration of FGF-21 was stopped,

indicating that glucose levels can be controlled for an extended period of time (*see* Appendix B, page 8).

11. I have reviewed the "Declaration of Dr. David Ornitz under 37 C.F.R. § 1.132" and agree with Dr. Ornitz' conclusions.

12. I have reviewed the Application, and based on my understanding of the Application, I believe it provides support for the therapeutic use of FGF-21 (which is referred to as FGF-like molecules in the Application) for the treatment of metabolic diseases such as diabetes and obesity. In addition to the factors described in Dr. Ornitz' Declaration, my belief is based on the following factors:

12(a). First, the Application describes that FGF-21 is expressed primarily in the liver with lower levels of expression in lung and fetal liver (*see, e.g.*, page 4, line 39 to page 5, line 1; page 80, lines 14-16; page 80, lines 2-5; and Figures 4A-4C of Application). Gene expression pattern is an important tool for drug discovery. Specifically, the liver is one of the major organs involved in the regulation of metabolic parameters, and more specifically in diabetes. In the case of FGF-21, the expression pattern is very indicative of its potential involvement in diabetes.

12(b). Second, the Application describes that transgenic mice overexpressing FGF-21 show, among other things, a reduction in body weight and a reduction in liver weight as a percent of body weight (*see, e.g.*, page 4, lines 22-26 of Application). It is well known that accumulation of lipids in the liver is linked to insulin resistance, and type 2 diabetes. Correlated with this are liver tissue mass, adiposity, and overall body weight. It is known that fat accumulates in the liver when the rate of delivery of fatty acids to hepatocytes exceeds the metabolic processing capacity. Disturbances in mitochondrial  $\beta$ -oxidation can result in the accumulation of triglycerides in the liver. Liver accumulation of fat in patients with type 2 diabetes or with insulin resistance syndrome is mainly related to increased lipolysis of adipose tissue, with an increased flux of free fatty acids to the liver that exceeds the liver's capacity to export very low density lipoproteins. The fact that body weights and liver weights of the transgenic mice overexpressing FGF-21 are reduced is indicative of an improvement in fat distribution in the body (naturally occurring with age) and specifically, in the liver, explaining resistance to diabetes.

12(c). Third, the Application describes that FGF-21 polypeptides can be used therapeutically to treat diabetes or fat deposition in the treatment of obesity (*see, e.g.*, page 5, lines 15-16 and 27 of Application).

13. Based on the expression of FGF-21 in the liver, the reduction in liver weight in transgenic mice overexpressing FGF-21, and the description in the Application that FGF-21 molecules can be used therapeutically to treat diabetes or fat deposition in the treatment of obesity, as well as my seven years of experience in developing therapeutics for the treatment of metabolic disorders such as diabetes and obesity, I agree with Dr. Ormitz' conclusions and I too would have understood that the FGF-21 molecules described in the Application would have therapeutic use in the treatment of diabetes or obesity.

14. Moreover, my work with FGF-21 indicates that the FGF-21 molecules described in the Application in fact exhibit therapeutic potential for treating diabetes or obesity.

15. All of the statements I made herein are truthful and made of my own volition. I understand that willful false statements may subject me to fines, imprisonment or both, pursuant to Section 1001 of Title 18 of the United States Code.

Signed: Murielle Veniant Ellison  
Murielle Veniant-Ellison, Ph.D.

Dated: 01/02/2008

**APPENDIX A**  
**CURRICULUM VITAE**

**Murielle Véniant**

**EDUCATION**

- 1983-1986 University of Dijon, Dijon, France; DEUG B in biology.  
1986-1987 University of Dijon, Dijon, France; LICENCE in molecular biology.  
1987-1988 University of Dijon, Dijon, France; MAITRISE in animal physiology.  
1988-1989 University of Dijon, Dijon, France; DEA in pharmacology.  
1989-1992 University of Dijon, Dijon, France (laboratory work performed at Hoffmann La Roche, Basel, Switzerland). Ph.D. awarded March 1992. Title: Pharmacologic evaluation of a new calcium antagonist Ro 40-5967: effects in normal rats, in rats with heart failure and in hypertensive rats (SHR and 2K-1C rats).

**PROFESSIONAL EXPERIENCE**

- April 1992– Dec 1992 Hoffmann La Roche, Basel, Switzerland. Postdoctoral fellow under the supervision of Professor Jöel Ménard and Dr. Jean-Paul Clozel. Subject: Effects of the endothelin on blood pressure maintenance using endothelin antagonist.
- 1993–1995 Center for Genome Research. Postdoctoral fellow under the supervision of Dr. John Mullins, supported by INSERM grant from 1993 to 1994. Project: Role of the renin angiotensin system in hypertension using molecular biology and transgenic technology.
- 1994–1995 Teaching, University of Edinburgh "Honors endocrine pharmacology" Lecture in renal hypertension for students of B.Sc. (Pure science) and B.Sc. (Medical science). Chairperson in pharmacology to Ph.D. students (discussion club) at Centre of Genome Research, Edinburgh, UK.
- 1995– July 1997 Gladstone Institute of Cardiovascular Disease, San Francisco, USA. Postdoctoral Fellow under the supervision of Dr. Stephen Young. Project: Role of apolipoprotein B100 and apolipoprotein B48 in different models of knockout mice.
- July 1997–March 2000 Gladstone Institute of Cardiovascular Disease, San Francisco, USA. Staff Research Investigator. Project: Function of apolipoprotein B in the heart.
- April 2000– April 2001: Amgen Inc., Thousand Oaks, USA. Research Scientist I, Metabolic Disorders.
- April 2001– March 2002: Amgen Inc., Thousand Oaks, USA. Research Scientist II, Metabolic Disorders.
- March 2002– March 2004: Amgen Inc., Thousand Oaks, USA. Research Scientist III, Metabolic

Disorders.

March 2004– March 2006: Amgen Inc., Thousand Oaks, USA. Research Scientist IV/Principle scientist, Metabolic Disorders.

March 2006– present: Amgen Inc., Thousand Oaks, USA. Scientific Director, Metabolic Disorders.

## HONORS, AWARDS, AND FELLOWSHIPS

1992	Young Investigators Award, European Hypertension Association
1993	Travel Award, American Hypertension Association
1993–1994	Mobility Award for Postdoctoral Research Abroad, INSERM, France
1998-2000	New Investigator Award, Principal Investigator, Tobacco-Related Disease Research Program (\$400,000)

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1. Clozel, J.P., Véniant, M., and Osterrieder, W. (1990). The structurally novel  $\text{Ca}^{2+}$  channel blocker Ro 40-5967, which binds to the [ $^3\text{H}$ ] desmethylverapamil receptor, is devoid of the negative inotropic effects of verapamil in normal and failing rat hearts. *Cardiovasc. Drugs Ther.* 4: 731-736.
2. Véniant, M., Clozel, J.P., Hess, P., and Wolfgang, R. (1991). Ro 40-5967, in contrast to diltiazem, does not reduce left ventricular contractility in rats with chronic myocardial infarction. *J. Cardiovasc. Pharmacol.* 17: 277-284.
3. Véniant, M., Clozel, J.P., Hess, P., and Wolfgang, R. (1991). Hemodynamic profile of Ro 40-5967 in conscious rats: Comparison with diltiazem, verapamil and amlodipine. *J. Cardiovasc. Pharmacol.* 18 (suppl. 10): S55-S58.
4. Clozel, J.P., Véniant, M., Hess, P., and Sprecher, U. (1991). Effects of two angiotensin converting enzyme inhibitors and hydralazine on coronary circulation in hypertensive rats. *Hypertension* 18 (suppl II): 8-14.
5. Véniant, M., Clozel, J.P., Hess, P. and Fischli, W. (1992). Effects of renin-angiotensin blockade in guinea pigs. *Hypertension* 19: 255-262.
6. Véniant, M., Clozel, J.P. and Fischli, W. (1992). Mechanism of the potentiation by angiotensin converting enzyme inhibition of intradermal bradykinin in guinea pig: Comparison with renin inhibition and measurement of bradykinin degradation in blood. *J. Hypertens.* 10: 155-160.
7. Véniant, M., Clozel, J.P., Kuhn, H. and Clozel, M. (1992). Protective effect of cilazapril on cerebral circulation. *J. Cardiovasc. Pharmacol* 19 (suppl. 6): S94-S99.
8. Véniant, M., Clozel JP, Heudes D, Banken L, and Ménard J (1993). Effects of Ro 40-5967 a new calcium antagonist and enalapril on cardiac remodeling in renal hypertensive rats. *J. Cardiovasc. Pharmacol* . 21: 544-551.
9. Eng, E., Véniant, M., Floege, J., Fingerle, J., Alpers, C. E., Ménard, J., Clozel, J.P., and Johnson, R. (1994). Renal proliferative and phenotypic changes in rats with two-kidney, one-clip Goldblatt model of hypertension. *Am. J. Hypertens.* 7: 177-185.
10. Véniant, M., Heudes, D., Clozel, J.P., Bruneval, P., and Ménard, J. (1994). Calcium blockade versus ACE inhibition in clipped and unclipped kidneys of 2K-1C rats. *Kidney Int.* 46: 421-429.

11. Véniant, M., Clozel, J.P., Hess, P., and Clozel, M. (1994). Endothelin plays a role in the maintenance of blood pressure in normotensive guinea pigs. *Life Sci.* 55: 445-454.
12. Véniant, M., Gray, G., Heudes, D., Ménard, J., and Clozel, J.P. (1995). Structural changes and cyclic GMP content of the aorta following calcium antagonist or ACE inhibition in renovascular hypertensive rats. *J. Hypertens.* 13: 731-737.
13. Véniant, M., Whitworth, C., Ménard, J., Sharp, M.G.F., and Mullins, J.J. (1995). Developmental studies demonstrate age-dependent elevation of renin activity in TGR(mRen2)27 rats. *Am. J. Hypertens.* 8: 1167-1176.
14. Whitworth, C., Véniant, M., Firth, J.D., Cumming, A.D., and Mullins, J.J. (1995). Endothelin in the kidney in malignant phase hypertension. *Hypertension*; 26: 925-931.
15. Clozel, J.P., Véniant, M., Sprecher, U., and Fischli, W. (1995). Acute hemodynamic effects of Ciprokiren, a novel renin inhibitor, in sodium-depleted dogs. *J. Cardiovasc. Pharmacol.* 26: 674-677.
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17. Farese, R.V., Véniant, M., Cham, C.M., Flynn, L.M., Pierotti, V., Loring, J.F., Traber, M., Ruland, S., Stokowski, R.S., Huszar, D., and Young, S.G. (1996). Phenotypic analysis of mice expressing exclusively apolipoprotein B48 or apolipoprotein B100. *Proc. Natl. Acad. Sci USA* 93: 6393-6398.
18. Véniant, M., Ménard, J., Bruneval, P., Morley, S., Gonzales, M.F., and Mullins, J.J. (1996). Vascular damage without hypertension in transgenic rats expressing prorenin exclusively in the liver. *J. Clin. Invest.* 98: 1966-1970.
19. Ménard, J., Karam, H., Véniant, M., Heudes, D., Bruneval, P. and Clozel, J.P. (1997). Effects of calcium blockade on end-organ damage in experimental hypertension. *J. Hypertens.* 15: S19-S30
20. Véniant, M., Pierotti, V., Newland, D., Sanan, D.A., Walzem, R.L. and Young, S.G. (1997). Susceptibility to atherosclerosis in mice expressing exclusively apolipoprotein B48 or apolipoprotein B100. *J. Clin. Invest.* 100: 180-188.
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25. Powell-Braxton L., Véniant, M., Latvala R. D., Hirano K-I., Won W.B., Ross J., Dybdal N., Young, S. G, and Davidson N.O. (1998). A mouse model of human familial

- hypercholesterolemia: markedly elevated low density lipoprotein cholesterol levels and severe atherosclerosis on a low-fat chow diet. *Nature Medicine*. 4: 934-938
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## PATENTS

1. Fructose 1,6-BP: "Treatment of Diabetes with Modulators of Fructose 1.6-Bisphosphatase Expression"; US provisional application 60/555,091 (Amgen docket number A-894-P) filed 3/19/04. Inventors Dobie, Bhanot S, Veniant-Ellison M, Shutter J, Lindberg R.
2. Forkhead: "Modulation of Forkhead Box 01A Expression" Us application 10/271,074 (Amgen docket number A-829-A) filed 9/26/03. Related PCT, Taiwaon, Thailand, Malta, and Argentina applications also filed. Dobie, Bhanot S, Monia B, McKay R, Geisler J, Veniant-Ellison M, Shutter J, Lindberg R.

## ORAL COMMUNICATIONS

1. Véniant M., Clozel J.P. (1991). Vascular protection by cilazapril. National Congress of the Arterial Hypertension Society of Mexico; 26-29 May, Mexico City, Mexico.
2. Véniant M., Clozel J.P., Hess P., Wolfgang R. (1991). Ro 40-5967, in contrast to diltiazem and verapamil, does not reduce left ventricular contractility in rats without and with chronic myocardial infarction. Second International Symposium of Calcium Antagonists in Cardiovascular Care, 13-15 February, Basel, Switzerland.
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4. Véniant M., Clozel J.P., Heudes D., Bruneval P., Ménard J. (1993). Similarité des effets néfastes de l'inhibition de l'enzyme de conversion et du blocage des canaux calciques lents sur le rein sténosé de l'hypertension expérimentale (2K-1C). Differences de leurs actions sur le rein controlatéral. Journées de l'hypertension artérielle, 17-18 décembre, Paris, France.
5. Véniant M., (1993). Effects of Ro 40-5967, a new calcium antagonist, and enalapril on cardiac remodeling and renal changes in 2K-1C renal hypertensive rats. Seminar presentation, 18 may, Blood Unit Western Infirmary Hospital, Glasgow, UK.
6. Whitworth C.E., Véniant M., Firth J.D., Cumming A.D., Mullins J.J. (1994). Role of endothelin in transition from benign to malignant hypertension in transgenic rats. Renal Association October 14-16, London, UK.
7. Véniant M., Karam H., Ménard J., Clozel J.P. (1994). Differences in prevention of end organ damage by converting enzyme inhibition and calcium blockade in 2K-1C and Doca hypertensive rats. American hypertension meeting May 11-14, New York, USA.
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hypertension in transgenic rats. XIIIth International Congress of Nephrology May 14-17, Madrid, Spain.

9. Véniant, M., (1997). Susceptibility to atherosclerosis in mice expressing exclusively apolipoprotein B48 or apolipoprotein B100. May 15, Hopital Broussais, Paris, France.
10. Véniant, M. (1997). Susceptibility to atherosclerosis in mice expressing exclusively apolipoprotein B48 or apolipoprotein B100. May 16, College de France, Paris, France.
11. Véniant, M. (1997). Susceptibility to atherosclerosis in mice expressing exclusively apolipoprotein B48 or apolipoprotein B100. May 19, Hoffmann La Roche, Basel, Switzerland.
12. Véniant, M. (2004). Effect of Foxo 1 inhibition in mice. July 2204, Drug Discovery world summit, San Diego, USA.
13. Véniant, M. (2007). Effect of Leptin on Atherosclerosis in *Apoe<sup>-/-</sup>Apob<sup>100/100</sup>ob<sup>-/-</sup>* and *Ldlr<sup>-/-</sup>Apob<sup>100/100</sup>ob<sup>-/-</sup>* Mice. February 22, 2207, Colombia University, New York, USA.

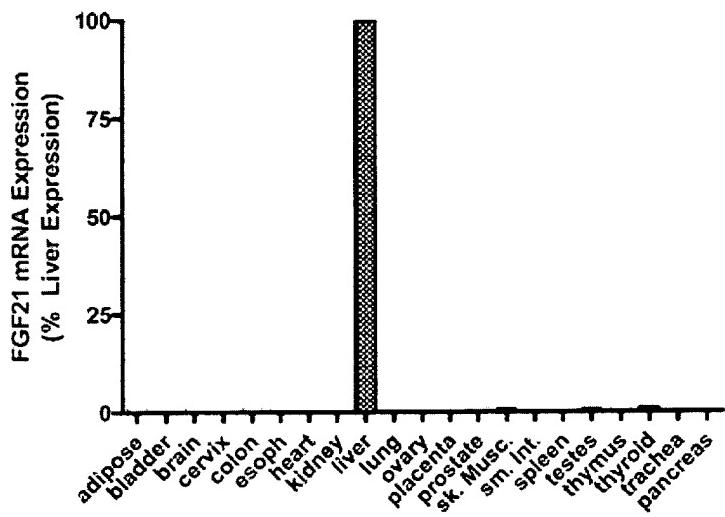
## ABSTRACT PUBLICATIONS

1. Véniant M., Clozel J.P. (1990). Ro 40-5967, in contrast to diltiazem, does not reduce left ventricular function in rats without and with chronic myocardial infarction. *J. Mol. Cell. Cardiol.*; 22 (suppl IV): S61.
2. Véniant M., Clozel J.P., Fischli W. (1991). Mechanism of the potentiation by angiotensin converting enzyme inhibition of intradermal bradykinin in guinea pig: comparison with renin inhibition and measurement of bradykinin degradation in blood. *J. Mol. Cell. Cardiol.*; 23 (suppl IV) S60.
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5. Véniant M., Heudes D., Ménard J., Clozel J.P. (1993). Comparison of the changes in large artery structure following the same blood pressure decrease using two different antihypertensive drugs. 6<sup>th</sup> European meeting of hypertension, Milan, Italy.
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8. Geisler JG., Veniant M., Bhanot S., Monia BP., Lindberg RA., McKay RA., Shutter JR. (2005) 98% reduction in liver fructose 1, 6 bisphosphatase is insufficient to lower fasting blood glucose levels in mice. American Diabetes Association, San Diego, CA
9. Samuel VT., Choi CS., Phillips TG., Romanelli AJ., Geisler JG., Bhanot S., McKay RA., Monia BP., Shutter JR., Lindberg RA., Shulman GI., Veniant M. (2005)

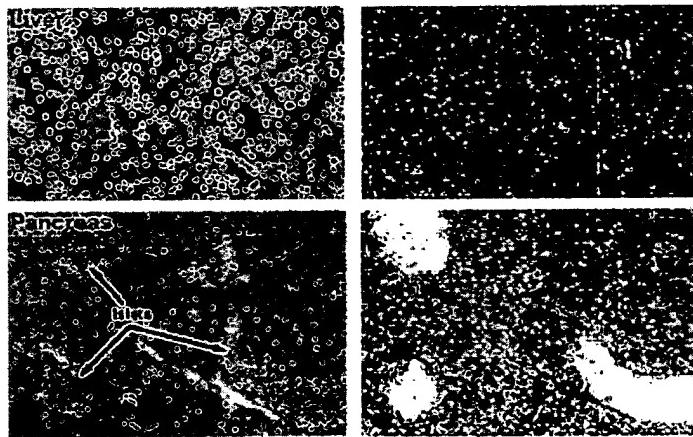
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## APPENDIX B

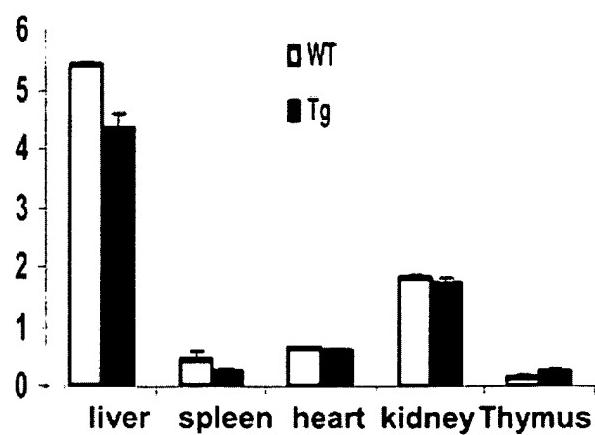
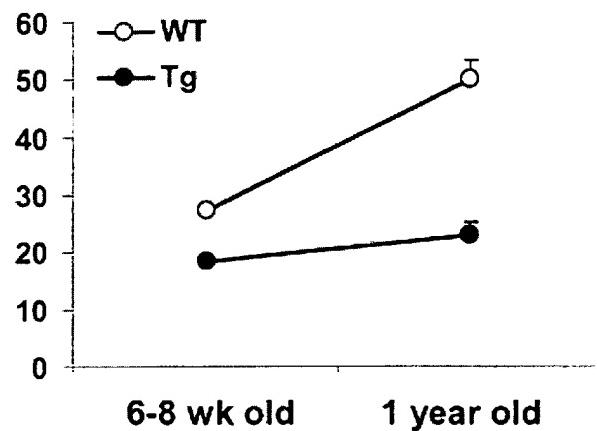
### Human



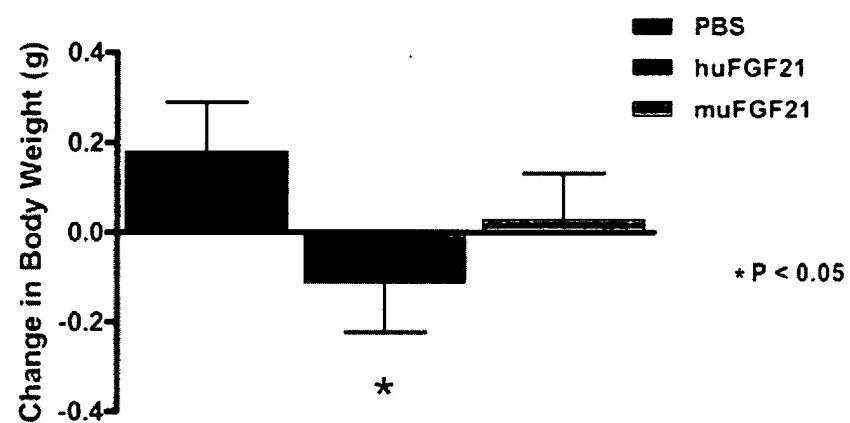
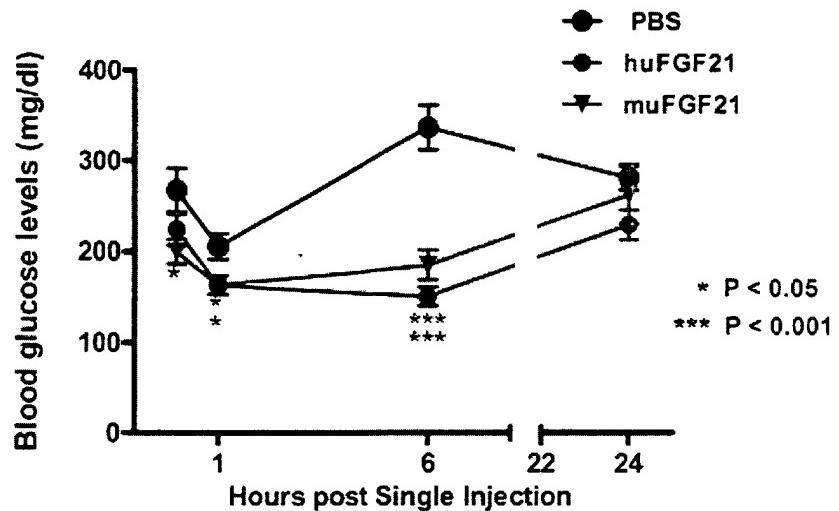
### Mouse



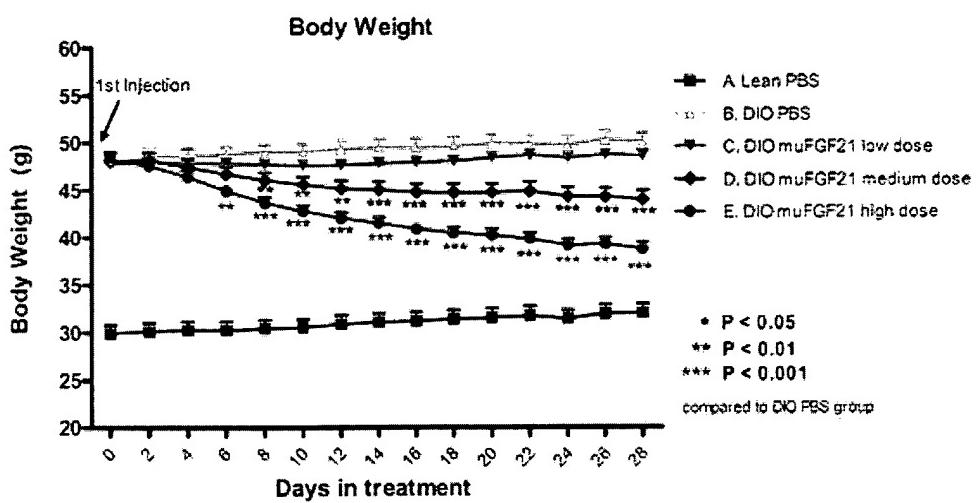
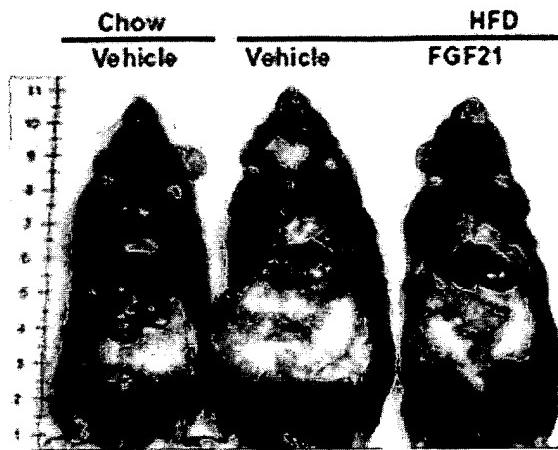
**APPENDIX B**



## APPENDIX B

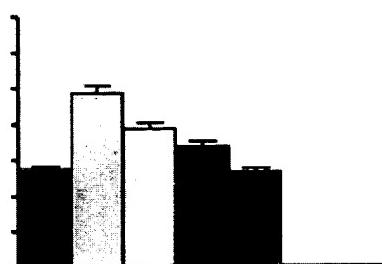


## APPENDIX B

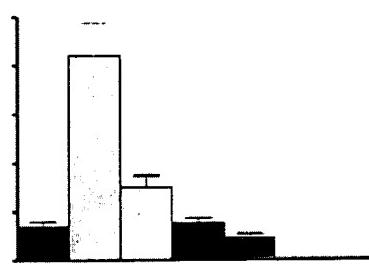


## APPENDIX B

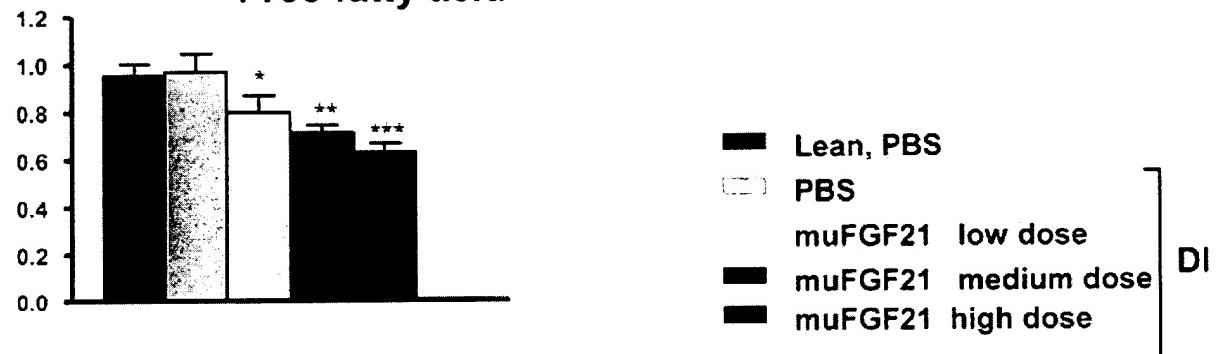
Fasting blood glucose



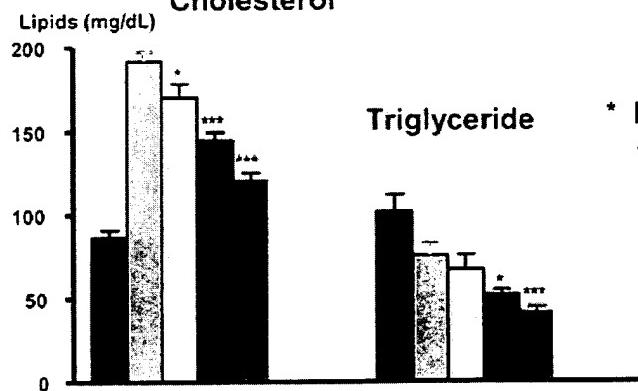
Insulin



Free fatty acid



Cholesterol

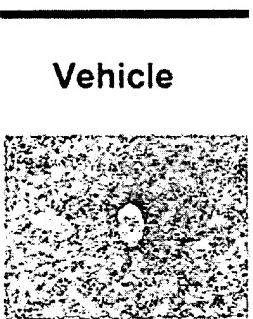


Triglyceride

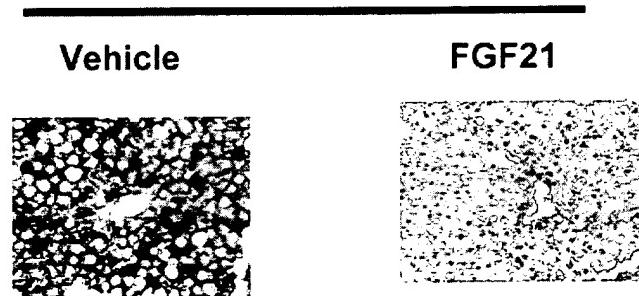
\* P< 0.05 \*\* P< 0.01 \*\*\* P< 0.001  
treatments vs. PBS in DIO model

**APPENDIX B**

**Chow**

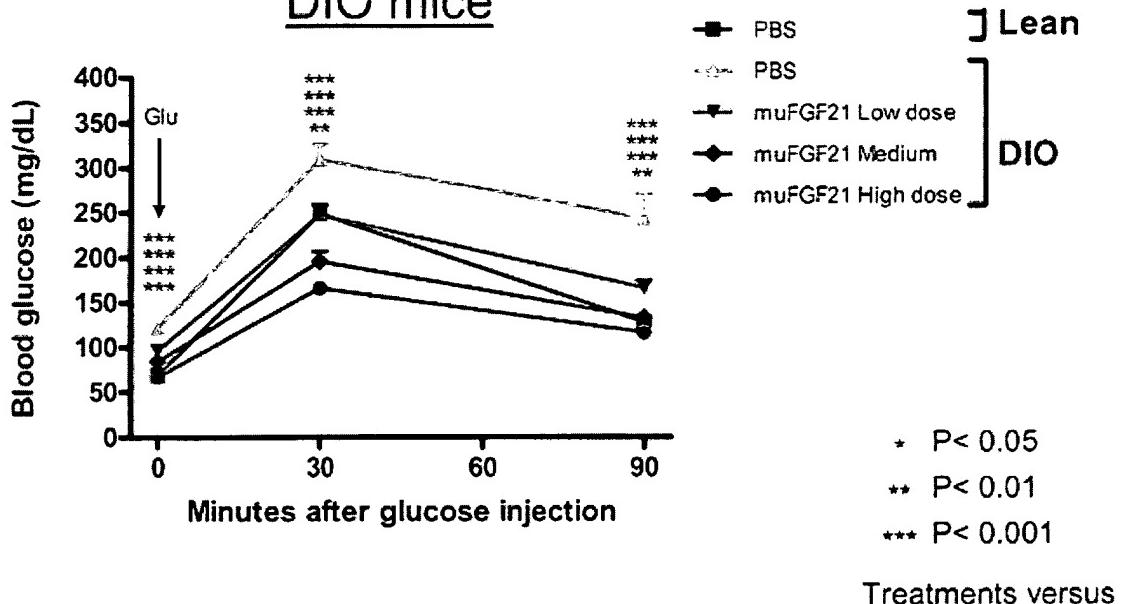


**HFD**

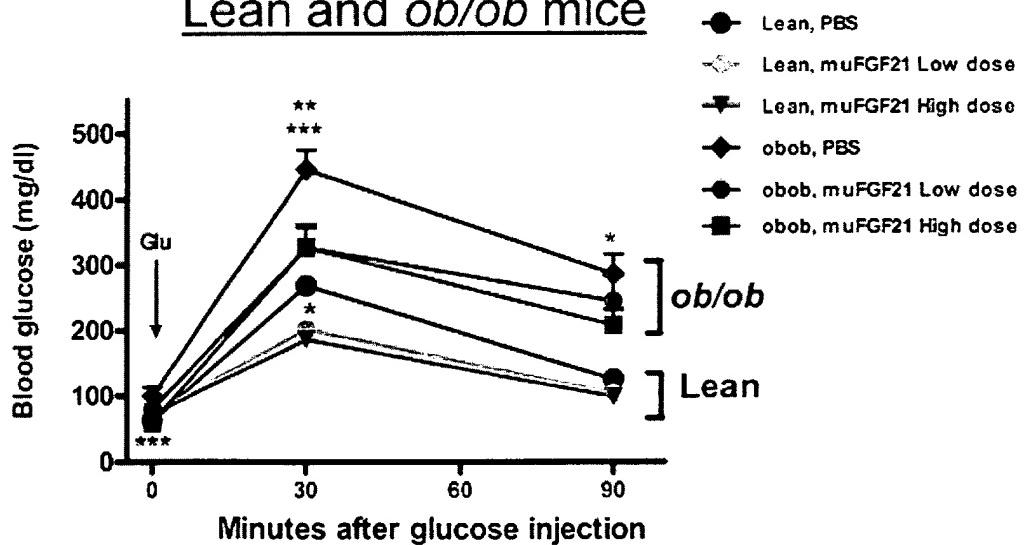


## APPENDIX B

### DIO mice



### Lean and *ob/ob* mice



## APPENDIX B

